

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

COREY J. JONES,)	
Plaintiff,)	Civil Case No. 7:21-cv-00610
v.)	
)	By: Elizabeth K. Dillon
MCCOY, <i>et al.</i> ,)	United States District Judge
Defendants.)	

DISMISSAL ORDER

Plaintiff Corey J. Jones, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. On March 25, 2022, some of the defendants filed two motions to dismiss. (Dkt. Nos. 20, 23.) On March 28, 2022, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). The notice gave Jones twenty-one days to file a response to the motions to dismiss and advised him that, if he did not respond, the court would “assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant[s] state[] in their responsive pleading(s).” (Dkt. No. 25.) The notice further advised Jones that, if he wished to continue with the case, it was “necessary that Plaintiff respond in an appropriate fashion,” and that if he failed to file some response within the time allotted, “the Court may dismiss the case for failure to prosecute.” (*Id.*) The time for responding expired more than a week ago, and Jones did not file any response nor seek an extension of time to respond. Thus, dismissal of his case for failure to prosecute is proper.

Accordingly, it is hereby ORDERED that the complaint in this matter is DISMISSED without prejudice, and the Clerk shall STRIKE this action from the active docket of the court. All pending motions, including both motions to dismiss, are DENIED AS MOOT.

The Clerk is directed to provide a copy of this order to the parties.

Entered: May 2, 2022.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge